

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT
CIVIL DIVISION

2014 JAN 16 PM 3:29

JONNAS HARDING and RODNEY HARDING

vs.

No. CV-2012

PLAINTIFFS
CLERK OF CIRCUIT COURT

DOLLAR TREE STORES, INC.;
and JOHN DOES Nos. 1-3

DEFENDANTS

COMPLAINT

COME NOW Plaintiffs Jonnas Harding and Rodney Harding, by and through their attorneys, McDaniel & Wells, P.A., and for their Complaint against the Defendant, state:

1. That at the time of the occurrence referred to herein, Plaintiff were (and are) residents of Craighead County, Arkansas.
2. That the events referred to herein occurred in the Western District of Craighead County, Arkansas.
3. That at the time of the events referred to herein, Dollar Tree Stores, Inc., did business as "DEALS" at the subject location.
4. That at the time of the events referred to herein, Dollar Tree Stores, Inc., was the owner, operator, and/or manager of the subject "DEALS" store, 1211 S. Caraway Road, Jonesboro, Arkansas 72401, and was responsible for the day-to-day management and supervision of its employees.
5. That at the time of the events referred to herein, Dollar Tree Stores, Inc., was a foreign corporation authorized to do business in the State of Arkansas.
6. That this Court has jurisdiction over the parties and subject matter to this cause; and that venue in this Court is proper in that Plaintiff resided in Craighead County, Arkansas at

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EXHIBIT

A

the time of the subject incident and the subject incident occurred in Craighead County, Arkansas.

7. That the Defendants, or one of them, including one or more John Doe Defendants, hereinafter collectively referred to as "DEALS", operated the subject DEALS store at the time of the events referred to herein.

8. That for the purpose of tolling the statute of limitations, Plaintiffs may file a complaint stating their causes of action in the appropriate court of this state, whenever the identity of the tortfeasor is unknown.

9. That, in the alternative, the name of any unknown tortfeasor, individual person or entity, shall be designated by the pseudo-name John Doe. Thus, in this case, John Doe 1, John Doe 2, and John Doe 3, in the alternative, are the names of any unknown defendants and are the true names of any unknown person(s) or entity(ies) who own, lease, operate, do business as, have an interest in, and/or direct, manage, or supervise the employees of the subject DEALS store located in Jonesboro, Arkansas (at the time of the incident and/or presently).

10. That upon determining the true identify of any current unknown tortfeasor person(s) or entity(ies), plaintiffs will amend the complaint by substituting the real name for the pseudo-name.

11. That on October 14, 2012, at approximately 11 a.m., Plaintiff Jonnas Harding, was shopping at the subject Deals store. While shopping, Jonnas Harding tripped and fell over a rack, basket, box, display or other item in the aisle.

12. That the rack, basket, box, display or other item over which Plaintiff Jonnas Harding tripped served no apparent purpose and was a hazard which was known to or should have been known to Defendant Deals.

13. That DEALS was negligent in causing the fall to Jonnas Harding in particulars, including, but not limited to, the following:

- (a) Failure to maintain the premises in a reasonably safe condition for patrons;
- (b) Negligently failing to remove the subject rack, basket, box, display or other item from the path of patrons, such as Plaintiff Jonnas Harding;
- (c) Negligently failing to train and/or supervise its employees concerning the safe and proper cleaning, removal, and/or warning to patrons of obstacles, debris, or other items, such as the subject rack, basket, box, display, or other item, in or about the walkway(s) of the store.
- (d) Negligently failing to use reasonable care under the circumstances then and there existing.

14. That DEALS' negligence was the proximate cause of the plaintiff's injuries and damages referred to herein.

15. That Plaintiff Jonnas Harding was free of any negligence or comparative fault in the subject occurrence.

16. That as a proximate result of the Defendants' negligence, Plaintiff Jonnas Harding sustained serious and permanent injuries to areas of her body, including, but not limited to, her left leg, for which she incurred medical expenses in the past and will require medical care and expenses in the future; has lost earnings in the past and will lose earnings

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and/or earning capacity in the future; has endured pain, suffering, mental anguish, and loss of enjoyment of life in the past and will endure pain, suffering, mental anguish in the future, and loss of enjoyment of life; and has scarring and disfigurement as a result of her injuries; and, for all of which, she should have and recover judgment from and against the Defendants in an amount in excess of the amount required for federal court diversity jurisdiction.

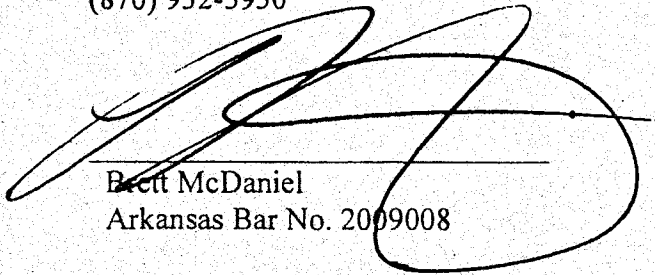
17. That Plaintiff Rodney Harding, as a proximate result of Defendant's negligence, suffered loss of society, services, and companionship of his wife Plaintiff Jonnas Harding for which he should have and recover judgment from and against Defendants in an amount in excess of the amount required for federal court diversity jurisdiction.

18. That Plaintiffs reserve the right to amend and plead further in this case.

19. That Plaintiffs request a trial by jury.

WHEREFORE, Plaintiffs pray they have and recover judgment from and against Defendant DEALS for all of their damages in an amount in excess of the amount required for federal court diversity jurisdiction, for their costs, and for all other relief to which they may be entitled.

Respectfully submitted,
Attorneys at Law
400 South Main
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Arkansas Bar No. 2009008

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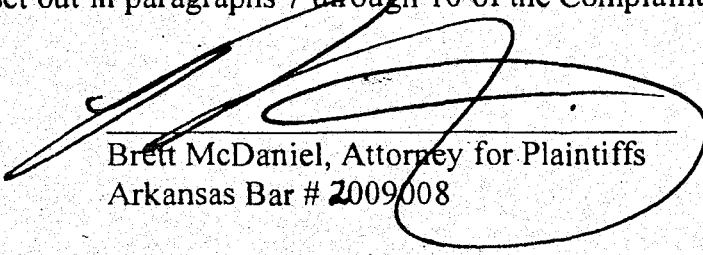
-0035 (DL)

DOLLAR TREE STORES, INC.;
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AFFIDAVIT

I, Brett McDaniel, attorney for Jonnas and Rodney Harding, pursuant to Ark. Code Ann 16-56-125, state that the correct name and identity of the tortfeasor person(s) and entity(ies) are unknown. All due diligent efforts have been made to properly identify the name and identity of the unknown tortfeasor person(s) and entity(ies). If the name and identity of the unknown tortfeasor person(s) and entity(ies) is not one of the specifically named defendants as contained in this Complaint, the use of the pseudo-name John Doe as the defendant is appropriate for the purpose of tolling the statute of limitations for these Plaintiffs against these unknown defendants. Furthermore, if there is more than one (1) such unknown tortfeasor, the use of John Doe 1, John Doe 2, John Doe 3, etc. is also appropriate as set out in paragraphs 7 through 10 of the Complaint.


Brett McDaniel, Attorney for Plaintiffs
Arkansas Bar # 2009008

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STATE OF ARKANSAS

COUNTY OF CRAIGHEAD

SUBSCRIBED and SWORN to before me on this 16th day of January, 2014.

Amelia Middleton
Notary Public

My Commission Expires:



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